REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

SUCCESSION CAUSE NO. 662 OF 2008

IN THE MATTER OF THE ESTATE OF ALFRED ODOTE ANGETO (DECEASED)

BETWEEN

GAUDENSIA AKINYI ALUOCH .....1ST APPLICANT/OBJECTOR

RAPHAEL OTIENO ALUOCH .....2ND APPLICANT/OBJECTOR

AND

ACHIENG ANGETO OWANDA .....PETITIONER/RESPONDENT

AND

KENNEDY ATALITSA MAJANI.....INTERESTED PARTY

DIRECTIONS

1. I have considered the notice of motion amended on 24.01.2020 and filed on 27.01.2020 by the **1st and 2nd Applicants/Objectors** and the response by the **Interested party** and I have come to the conclusion that this is not a matter that ought to be determined by affidavit evidence.

2. It is therefore hereby ordered **THAT**:

1) This matter be determined by way of viva voce evidence

2) For the purpose of the hearing, the 1st and 2nd Applicants/Objectors shall be the plaintiffs and their affidavit sworn on 24.01.2020 shall be the plaint

3) The Interested party shall be the defendant and his replying affidavit sworn on 16.09.2020 and filed on 18.09.2020 shall be the defence

4) Parties shall file and exchange witness statements with each party having 21 days with the 1st and 2nd Applicants/Objectors starting

5) Mention on 30.11.2020 to confirm compliance and for direction as to the hearing of the Objection.

6) Further to the foregoing, this court finds that the interest of justice dictate that the Applicants/Objectors be protected from eviction from KISUMU/WATHOREGO/680 (the disputed property) pending the hearing and determination of this objection. The Interested Party is therefore restrained from interfering with the Applicants/Objectors occupation and use of KISUMU/WATHOREGO/680 (the disputed property) until these objection proceedings are determined or until other and/or further orders of the court.

DATED AT KISUMU THIS *21st* DAY OF *October* 2020

T. W. CHERERE

JUDGE

Court Assistants - Ms. Amondi/Ms. Okodoi

For Objectors/Applicants - Ms. Owino for Anyango Owino & Co. Advocates

For Interested Party - Mr. Ragot for Owiti, Otieno & Ragot Advocates